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SENATE BILL 1020 By
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HOUSE BILL 1597
By Bittle

AN ACT to amend Tennessee Code Annotated, Sections 69-10-206(a)(2) relative to vessel numbering, 69-10-221 and 69-10-223 relative to court jurisdiction and procedures in boating cases, and Title 70, Chapter 1, Part 3, relative to boating and wildlife citations in lieu of continued custody of an arrested person along with payment of fines and court costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-10-206 is amended by deleting subdivision (a)(2) in its entirety and by substituting instead the following new subdivision:

(2) A vessel with a valid number awarded to it pursuant to federal law or a federally-approved numbering system of another state; unless Tennessee has become the state of principal use and the vessel has been in Tennessee for 60 days.

SECTION 2. Tennessee Code Annotated, Section 69-10-221 is amended by deleting it in its entirety.

SECTION 3. Tennessee Code Annotated, Section 69-10-223 is amended by deleting it in its entirety.

SECTION 4. Tennessee Code Annotated, Title 70, Chapter 1, Part 3 is amended by adding the following as a new, appropriately designated section:

(a) Whenever a person is issued a citation pursuant to §40-7-118 for a misdemeanor violation of any provision of this title, Title 69, Chapter 10 or for any offense for which an arrest is authorized pursuant to this title, prior to the time set for the person to appear in court to answer the charge, the person cited may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed. The submission to fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a citation.

(b) If the person cited has not paid the citation upon submission to fine as provided in this section and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may issue a warrant for such person's arrest or may declare a judgment of forfeiture of the offense charged. The judgment of forfeiture shall in no case be more than the total amount of fine and costs prescribed by law for the offense and may be collected in the manner provided in §40-24-105.

(c) The provisions of this section shall not be applicable to any person arrested for a violation of any provision of this title, Title 69, Chapter 10 or any offense for which an arrest is authorized pursuant to this title, which is punishable by a fine of more than fifty dollars (\$50.00) or by imprisonment for more than thirty (30) days. The provisions of this section shall not supersede the provisions of §40-7-118, nor shall they require the use of a citation in lieu of continued custody of an arrested person in any of the circumstances specified in §40-7-118(c).

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.